



AMSA EX25

**Marine Safety (Old certificates of competency — local restrictions)
Exemption 2016**

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority (the National Marine Safety Regulator under section 9 of the *Marine Safety (Domestic Commercial Vessel) National Law*), make this instrument under subsection 143(1) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

25 July 2016

Michael Kinley
Chief Executive Officer

1 Name of instrument

This instrument is *Marine Safety (Old certificates of competency — local restrictions) Exemption 2016*.

2 Duration

This instrument:

- (a) commences on 1 August 2016; and
- (b) ceases to have effect at the end of 31 July 2018.

3 Definitions

In this instrument:

Marine Safety (Domestic Commercial Vessel) National Law — see Schedule 1 to the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

old certificate of competency means a certificate of competency (however described) issued by the maritime safety authority of a State or the Northern Territory:

- (a) for a certificate in force immediately before 1 July 2013 — before 1 July 2013; or
- (b) for a certificate applied for before 1 July 2013, but for which the application was not finally determined by 1 July 2013 — before 1 January 2014.

Note **National Regulator** is defined in the *Marine Safety (Domestic Commercial Vessel) National Law* — see section 6.

4 Application of instrument

This instrument applies to a person who holds an old certificate of competency that is subject to conditions mentioned in paragraph 12(d) of *Marine Order 505 (Certificates of competency — national law) 2013*.

Note That paragraph imposes the conditions that applied to a certificate held by a person on 30 June 2013 under the law of a State or the Northern Territory.

5 Exemption

A person mentioned in section 4 is exempt from a condition:

- (a) that applied to the old certificate of competency; and
- (b) that restricted the person to duties within a State or the Northern Territory or an area of a State or the Northern Territory; and
- (c) if the National Regulator approves in writing performance of the duties without the condition.

Note 1 The National Regulator may grant an exemption, or impose conditions on an exemption, only if satisfied that the exemption and its conditions will not jeopardise the safety of a vessel or a person on board a vessel — see subsection 143(6) of the *Marine Safety (Domestic Commercial Vessel) National Law*.

Note 2 A fee may be charged — see s 9 of the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.

6 Conditions

The National Regulator may make the approval subject to further conditions that take account of the local conditions of the waters in which the vessel is to operate or the person is to perform duties.
